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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/821,716 | 04/09/2004 | Teresa Amorin | 1219309-0006 | 1536 |
| 7470 | 7590 | 01/03/2006 | EXAMINER | |
| WHITE & CASE LLP PATENT DEPARTMENT 1155 AVENUE OF THE AMERICAS NEW YORK, NY 10036 | | | LE, HUYEN D | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3751 | |

DATE MAILED: 01/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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|------------------------------|--------------------------------------|---------------------------------------|--|
| Office Action Summary | Application No. 10/821,716 | Applicant(s) AMORIN, TERESA | |
| | Examiner Huyen Le | Art Unit 3751 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04/09/2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 and 16-23 is/are rejected.
- 7) ☒ Claim(s) 15 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The present invention provides," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 12 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Claim 12 recites the limitation "the detectable indication" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-3, 6, 9, 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Biewen (2,187,676) in view of Sanders (5,123,130).

The Biewen reference discloses a mat device for using with a toilet, comprising:

an absorbent matting 7 adapted for being placed in proximity to a base of the toilet.

Although the Biewen reference does not disclose that the absorbent matting 7 comprises positioning indicia providing guidance for positioning of a child relative to the toilet, using indicia for training children using a toilet is known in the art. Attention is also directed to the Sanders reference which teaches a mat 11 having indicia 13 (footprints) for providing directional guidance to a child.

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to employ indicia on the Biewen mat in view of the teaching of the Sanders reference for providing directional guidance and training to a child for proper use of the toilet.

Regarding claim 2, the absorbent matting comprises a cut-away region 8 along one side for abutting the toilet base 6.

Regarding claim 3, the absorbent matting comprises a contact surface for securing the absorbent matting to a floor area located in proximity to the toilet base, and preventing the matting from slipping.

Regarding claim 6, the positioning indicia would be footprint- shaped for encouraging the child to stand on during urination.

Regarding claim 9, the cut-away region 8 is shaped to conform the periphery of a base 6 of the toilet 5 to which it abuts.

Regarding claim 13, the absorbent matting comprises a shape complementary to an intended area of coverage.

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7. Claims 4, 7, 10-12, 14, 16-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Biewen (2,187,676) in view of Sanders (5,123,130) and further in view of Ito et al (5,939,088).

Biewen in view of Sanders teaches a toilet training device as described above.

Although Biewen does not disclose that the absorbent mat includes a wetness indicator for exhibiting a detectable indication in response to being contacted with moisture, attention is directed to the Ito et al reference which teaches a material (wetness indicator) capable of changing color in response to the moisture of urine in a toilet cover.

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to employ a wetness indicating material on the Biewen mat in view of the teaching of the Ito et al reference for detecting urine and the conditions of a user.

Regarding claims 14, 16-23, the method of training the a child would be inherently performed during the normal use of the modified mat of Biewen.

8. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Biewen (2,187,676) in view of Creamer (4,125,656).

Although the Biewen reference does not disclose an adhesive for adhering the periphery of the cut-away region to the toilet base for creating a seal therebetween, and preventing the matting from slipping, attention is directed to the Creamer reference which teaches a mat for a toilet comprising an adhesive tap 15 for securely attach the periphery of the collar of the mat to the toilet base.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide an adhesive tape on the collar of the Biewen mat in view of the teaching of the Creamer reference for securely attaching the mat to the base of the toilet and further enhancing the sealing effect.

9. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Biewen (2,187,676) in view of Creamer (4,125,656).

Although the Biewen reference shows the mat 7 having one layer, attention is directed to the Creamer reference which teaches a mat having a plurality of layers: an absorbent layer and a waterproof backing layer for preventing water from passing through the pad onto the floor beneath.

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to provide an backing layer on the Biewen mat in view of the teaching of the Creamer reference for preventing water from passing through the pad onto the floor beneath.

Allowable Subject Matter

10. Claim 15 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Jenkins and Creamer teach an absorbent mat.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huyen Le whose telephone number is 571-272-4890. The examiner can normally be reached on Monday-Friday from 9:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Justine Yu can be reached on 571-272-4835. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Huyen Le
Examiner
Art Unit 3751

December 28, 2005